

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

OP.No. 28003 of 2002(H)

PETITIONER:

T.K.BHASKARAN, RESIDING AT 'ANASWARA',
COCHIN BUNGALAW COMP, CHUDUVALATHUR, SHORANUR-1,
OTTAPALAM TALUK (RETD AEO, SHORNUR, PALAKKAD).

BY ADV. SRI.P.G.PARAMESWARA PANICKER
SRI.SANTHEEP ANKARATH

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.
2. THE DISTRICT EDUCATIONAL OFFICER,
OTTAPALAM, PALAKKAD DISTRICT.

BY GOVERNMENT PLEADER, SMT.T.B.RAMANI (FOR R1 & R2)

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON CMP NO.47703 OF 2002 IN 28003 OF 2002

DISMISSED

18.7.2007.

SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: COPY OF ORDER OF THE 1ST RESPONDENT, DATED 05-06-93.
- EXT.P2: COPY OF THE REPRESENTATION SENT BY THE PETITIONER, TO THE 1ST RESPONDENT, DATED 06-10-2001.
- EXT.P3: COPY OF THE REMINDER SENT BY THE PETITIONER, TO THE 1ST RESPONDENT, DATED 08-12-2001.

/TRUE COPY/

P.A. TO JUDGE

JP

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.28003 OF 2002

Dated this the 18th day of July, 2007

JUDGMENT

The petitioner had several spells of provisional service as an HSA within the period from 13.1.1970 to 18.10.1973. He joined as a regular hand on 19.7.1974. As stated in para 4 of the counter affidavit, the scale of pay of Rs.140-270 of the HSAs was revised to the scale of pay of Rs.285-540 by 1.7.1973. This means that though the service prior to 1.7.1973 is in a different time scale, the scale of pay in which the petitioner was appointed regularly, i.e., the time scale – Rs.285-540, is nothing but the revised scale of the earlier time scale of Rs.140-270, which was in force prior to 1.7.1973. Therefore, the change in scale of pay was due to pay revisions and hence, the ratio of the decision in **Jose Jacob v. State of Kerala** [1998(2) KLT 873] applies to the facts of this case in favour of the petitioner.

Thus, the provisional services in the different spells, as detailed in para 2 of the counter affidavit, are entitled to be

reckoned for the purpose of determining the total length of service of the petitioner in terms of Rule 33 in Part I K.S.R. It is so declared and the writ petition is allowed with the consequential direction that all monetary benefits on account of the aforesaid declaration shall be made available to the petitioner. Any arrears on that account shall be released to him within an outer limit of four months from the date of receipt of a copy of this judgment.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

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OP.28003/02

Page numbers

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.28003 OF 2002

JUDGMENT

18TH JULY, 2007.

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